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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/047,860 | 01/15/2002 | John R. Hind | RSW920010181US1 | 5123 |
| 46320 | 7590 | 05/16/2005 | EXAMINER | |
| CHRISTOPHER & WEISBERG, PA 200 E. LAS OLAS BLVD SUITE 2040 FT LAUDERDALE, FL 33301 | | | RONES, CHARLES | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2164 | |

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/047,860

Applicant(s)

HIND ET AL.

Examiner

Charles Rones

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Amendment

The amendment timely filed on January 13, 2005 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et. al. U.S. Patent Publication Application, 2002/00658899, ('Smith').

Smith discloses:

As to claim 1,

a universal database connectivity driver having a first exposed interface through which access to a database server can be provided; See [0071]; [0072];

a database proxy driver registered with said universal database connectivity driver, said database proxy driver having a second exposed interface which conforms

Art Unit: 2164

with said first exposed interface of said universal database connectivity driver, said database proxy driver having a configuration for invoking at least one auxiliary task in addition to providing access to said database server through said first exposed interface of said universal database connectivity driver; See [0057]; [0059]; and

a database driven application programmatically linked to said database proxy driver; See [0016].

As to claim 2,

wherein each of said universal database connectivity driver, database proxy driver and database driven application are disposed in an edge device in a computer communications network; See [0030].

As to claim 3,

wherein said auxiliary task is load balancing; See [0034].

As to claim 4,

wherein said auxiliary task is caching; See [0035].

As to claim 5,

a log file of data request meta-information; See [0036]; and,

an application analyzer configured to tune operation of said auxiliary task based upon said meta-information; See [0036].

As to claim 6,

receiving a database connectivity request through a corresponding first exposed database connectivity method from a database driven application; See [0071]; [0072];

forwarding said database connectivity request to an underlying database connectivity driver through a corresponding second exposed method having a method prototype which matches a method prototype of said first exposed database connectivity method; See [0057]; [0059]; and,

performing at least one auxiliary task in addition to forwarding said database connectivity request; See [0030].

As to claims 7 and 14,

performing each of the receiving, forwarding and performing steps in an edge device; See [0035].

As to claims 8 and 15,

wherein said performing step comprises performing a load balancing task; See [0034].

As to claims 9 and 16,

wherein said performing step comprises performing a database caching task; See [0035].

As to claims 10 and 17,

collecting meta-data for each received database connectivity request; See [0035]; and,

modifying operation of said auxiliary task based upon an analysis of said collected meta-data; See [0038].

As to claims 11 and 19,

wherein said modifying step comprises generating rules which direct database connectivity requests to particular instances of a database server which are most likely to respond quickly based upon database latency patterns inherent in said collected meta-data; See [0038].

As to claim 12,

wherein said modifying step comprises selectively caching result sets in a database cache based upon request frequency patterns inherent in said collected meta-data; See [0037]; [0038].

As to claim 13,

receiving a database connectivity request through a corresponding first exposed database connectivity method from a database driven application; See [0071]; [0072];

forwarding said database connectivity request to an underlying database connectivity driver through a corresponding second exposed method having a method prototype which matches a method prototype of said first exposed database connectivity method; See [0057]; [0059]; and,

performing at least one auxiliary task in addition to forwarding said database connectivity request; See [0030].

As to claim 18,

wherein said modifying step comprises generating rules which direct database connectivity requests to particular instances of a database server which are most likely to respond quickly based upon database latency patterns inherent in said collected meta-data; See [0036].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Rones whose telephone number is 571-272-4085. The examiner can normally be reached on Monday-Thursday 8am-4pm.

Art Unit: 2164

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 571-272-4083. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "C. Rones".

Charles Rones
Primary Examiner
Art Unit 2164

May 10, 2005